

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
EASTERN DIVISION

ROBERT DUANE CAMPBELL,

Plaintiff,

v.

No. 1:24-01054-JDB-tmp

STEVE BEAL, *et al.*,

Defendants.

SECOND ORDER DIRECTING PLAINTIFF TO COMPLY
WITH 28 U.S.C. § 1915(a)(2) OR PAY THE \$405 CIVIL FILING FEE

On March 13, 2024, the Plaintiff, Robert Duane Campbell, who is incarcerated at the Henderson County Jail in Lexington, Tennessee, filed a pro se complaint pursuant to 42 U.S.C. § 1983, as well as a motion to proceed in forma pauperis ("IFP"). (Docket Entry ("D.E.") 1, 2.) However, the IFP affidavit submitted by Plaintiff was not accompanied by a copy of his trust account statement indicating a balance. Therefore, the Court issued an order on March 14, 2024, directing him to either pay the entire filing fee or submit a certified copy of his inmate trust account statement for the last six months. (D.E. 4.)

Plaintiff submitted a letter to the Court on April 17, 2024, stating that he has made two requests for a copy of his trust fund account and that, once he receives the document, he will forward it to the Court. (D.E. 5.) The Court will require Plaintiff to make an effort to obtain that document. Therefore, he is again ORDERED to submit, within thirty days after the date of this order, either the entire \$405 civil filing fee or a certified copy of his trust account statement for the last six

months.¹

If Plaintiff timely submits the necessary documents and the Court finds that he is indeed indigent, the Court will grant leave to proceed IFP and a filing fee of \$350 in accordance with the installment procedures of 28 U.S.C. § 1915(b). However, if he fails to comply with this order in a timely manner, the Court will deny leave to proceed IFP, assess the entire \$405 filing fee without regard to the installment payment procedures, and dismiss the action without further notice for failure to prosecute pursuant to Federal Rule of Civil Procedure 41(b). *See McGore v. Wrigglesworth*, 114 F.3d 601, 605 (6th Cir. 1997), *partially overruled on other grounds by LaFountain v. Harry*, 716 F.3d 944, 951 (6th Cir. 2013).

IT IS SO ORDERED this 8th day of May 2024.

s/ J. DANIEL BREEN
UNITED STATES DISTRICT JUDGE

¹Plaintiff does not need to submit another IFP affidavit.